

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
EAGLE CREEK, LLC ZONE CHANGE REQUEST  
ZONING MAP AMENDMENT REPORT (#FZC-13-04)  
JANUARY 28, 2014**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Eagle Creek, LLC for a zoning map amendment in the Blanchard Lake Zoning District. The proposed amendment would change the zoning of the subject property from 'AG-20 Agricultural' to 'SAG-10 Suburban Agricultural.'

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 12, 2014 in the 2<sup>nd</sup> Floor Conference Room of the Earl Bennett Building located at 1035 1<sup>st</sup> Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Planning Board**

This space will contain an update regarding the February 12, 2014 Flathead County Planning Board review of the proposal.

**B. Commission**

This space will contain an update regarding the Flathead County Commissioners review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Owner/Applicants**

Eagle Creek, LLC  
C/o Stephen Isley  
PO Box 1984  
Whitefish, MT 59937

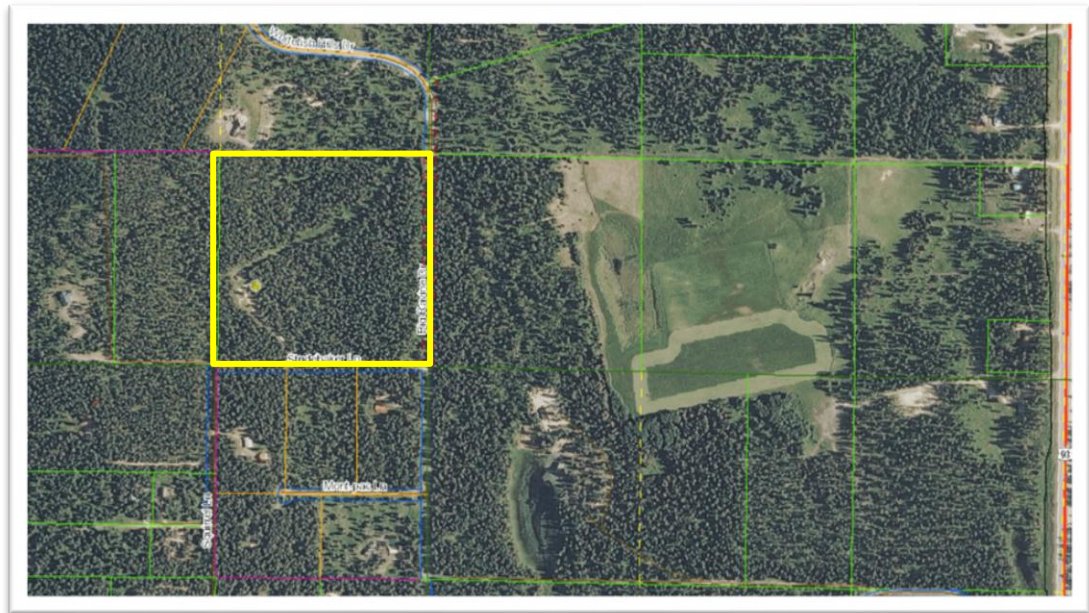
**ii. Technical Assistance**

Sands Surveying  
2 Village Loop  
Kalispell, MT 59901

**B. Subject Property Location and Legal Description**

The subject property consists of one tract totaling 39.8 acres in size. The property is located at the northwest corner of the intersection of Studebaker Lane and Big Ravine Drive as shown in Figure 1 below. The property can legally be described as Tract 6AA in Section 14, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property outlined in yellow



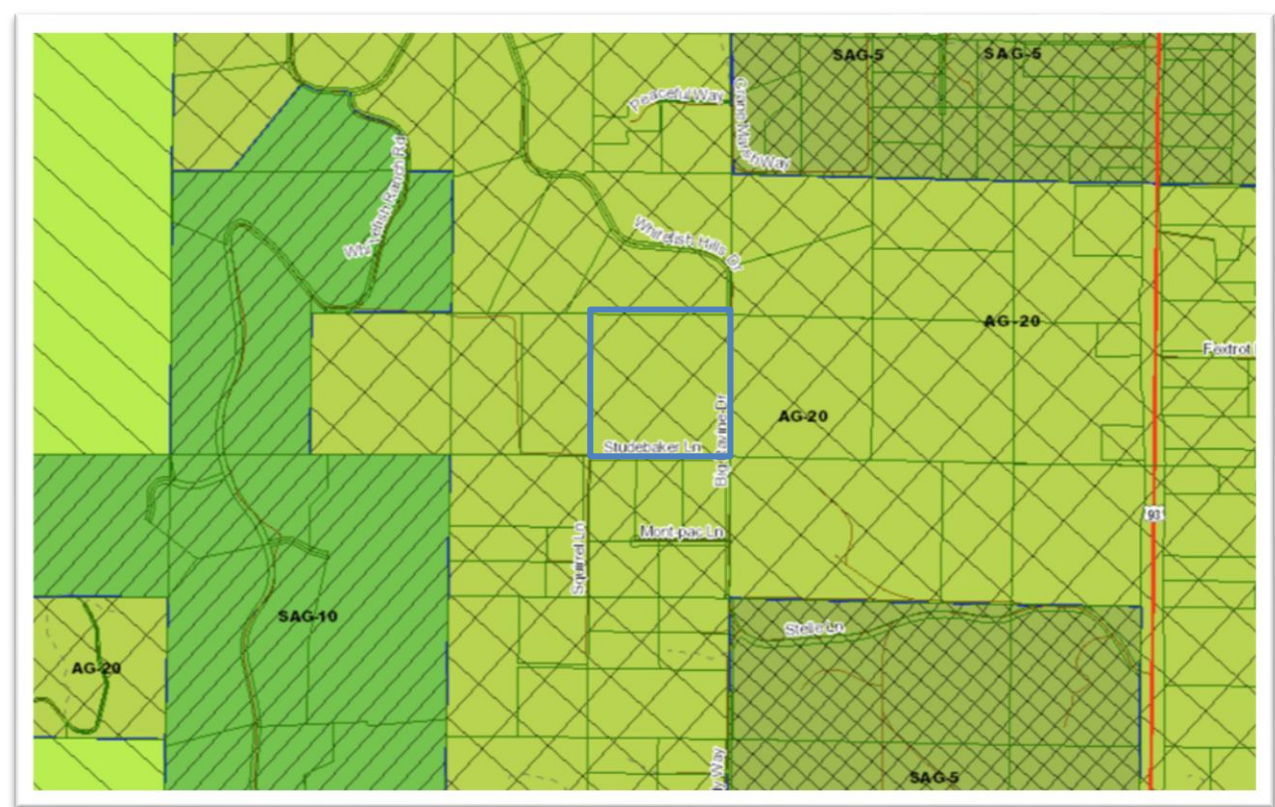
### **C. Proposed Zoning Map Amendment**

The subject property is located within the Blanchard Lake Zoning District and is currently zoned 'AG-20 Agricultural' (see Figure 2 below). As depicted in Figure 3 below, the applicant has requested the zoning map amendment for the property to be zoned 'SAG-10 Suburban Agricultural.' The AG-20 designation is defined in Section 3.06 of the Flathead County Zoning Regulations (FCZR) as, '*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*'

The SAG-10 designation is defined in Section 3.07 FCZR as, '*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*'



**Figure 2:** Current zoning applicable to subject property (highlighted in blue)



**Figure 3:** Proposed zoning on the subject property (highlighted in blue)



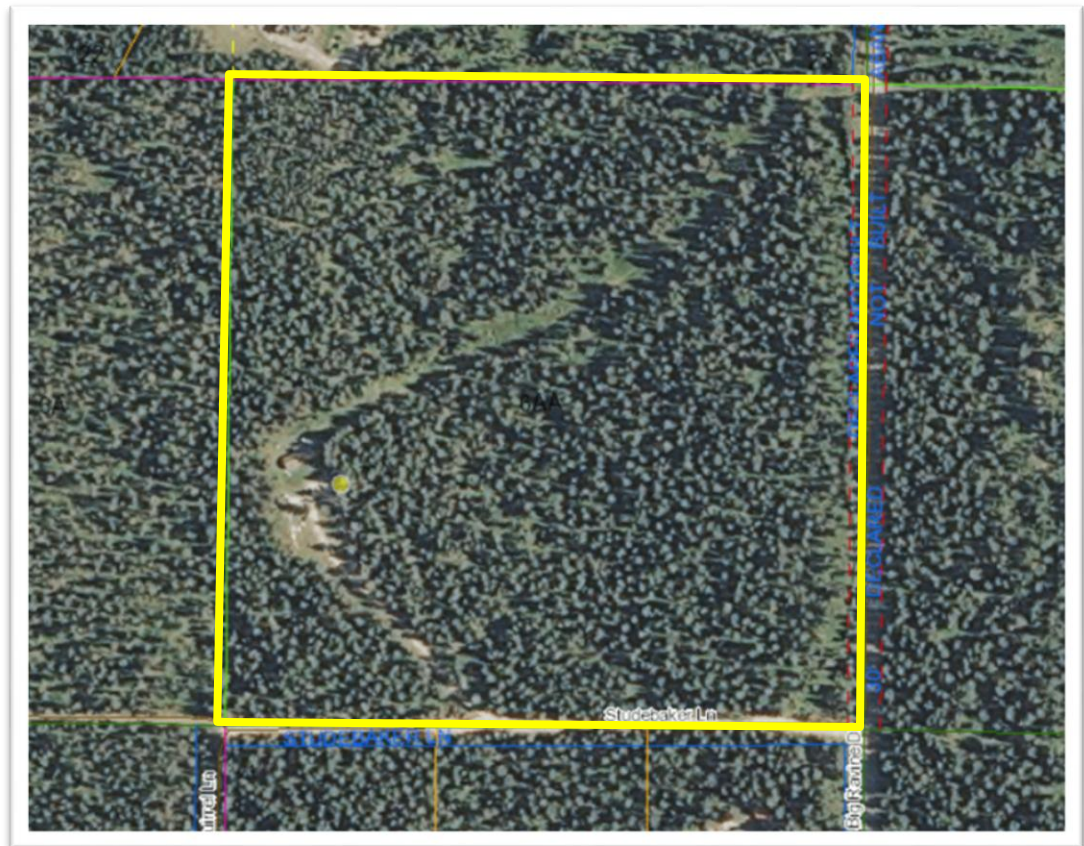


#### **D. General Character of and Reason for Amendment**

The property is located on a hill that rises from Big Ravine Drive to the west. The property is heavily forested with an area cleared around the house. The applicant states, “As the applicants don’t have a full 40 acres, they are 0.2 acres short, they cannot split the property. The SAG-10 would allow the owners the ability to split the property. Although the applicant’s property is no(t) directly adjacent to SAG-10 property it is within ¼ mile of SAG-10 properties to the west in Whitefish Hills Forest. In addition, there are SAG-5 properties a ¼ mile to the south in Whitefish Hills Village.”

The zoning map amendment is being requested because the applicant would like to divide the property. With the current 20 acre minimum lot area and the lot 39.8 acres the land owner is unable to divide the tract. The proposed SAG-10 zoning if approved would allow the applicant to potentially divide the tract into three lots over 10 acres.

**Figure 4:** Aerial view of subject property (outlined in yellow)



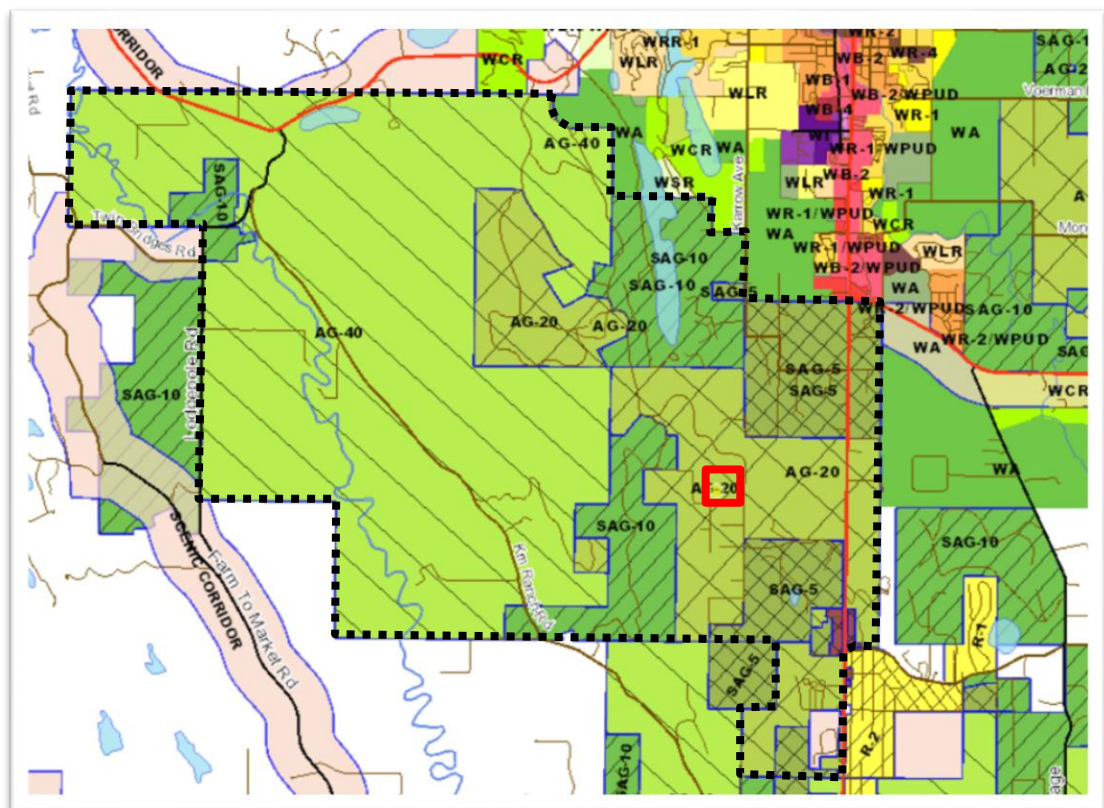
#### **E. Adjacent Zoning and Character of the Overall Zoning District**

The subject property is located within the Blanchard Lake Zoning District and surrounded by agricultural and suburban agricultural zones (see Figure 2). The subject property is bordered on all sides by ‘AG-20 Agricultural.’ Within a ¼ mile northeast and southeast of the subject property is ‘SAG-5 Suburban Agricultural’

zoning and ¼ mile to the west and ¾ of mile north are ‘SAG-10 Suburban Agricultural’ zones. The character of the area surrounding the property is rural residential and heavily forested.

Lots to the south of the subject property range in size from 4.7 acres to 158.2 acres with the majority of lots 5 to 8 acres in size. The properties directly to the east range in size from 2.9 to 60.4 acres, with a majority of the lots over 20 acres in size. West of the subject property lots are approximately 2.9 acres to 72.0 acres in size and most are between 19 and 30 acres. The properties to the north range in size from 1.1 acres up to 38.4 acres. Northeast of the subject property are lots within the SAG-5 classification that are less than 5.0 acres in size.

**Figure 5:** Blanchard Lake Zoning District (outlined with dashed black line & subject property outlined in red).



When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

**i. The Zoning Allows A Use That Differs Significantly From The Prevailing Use In The Area.**

The intent of the existing ‘AG-20 Agricultural’ zone is to protect and preserve agricultural land for the performance of a wide range of agricultural functions.

The purpose of the proposed 'SAG-10 Suburban Agricultural' zone is to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural use. One difference between the existing and proposed zoning is minimum lot area, in the existing AG-20 zoning the minimum lot area is 20 acres and in comparison the proposed SAG-10 zone has a 10 acre minimum lot area.

The character of the overall zoning district is rural residential, heavily forested and not much agricultural or forestry. A majority of the surrounding properties are either vacant or utilized for single family. The proposed zoning map amendment, if approved, would allow for uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and existing on surrounding properties.

**ii. The Zoning Applies To A Small Area Or Benefits A Small Number Of Separate Landowners.**

Using standard ArcGIS software staff determined that the subject property is located within an AG-20 zoning district approximately 1,669.9 acre in size. The area of the proposed zoning map amendment is 39.8 acres or 2.4% of the existing AG-20 district. West of the subject property is a SAG-10 zoning district which is approximately 619.1 acres in size and north of the subject property is a SAG-10 district approximately 741.5 acres in size. Northeast of the subject property is a SAG-5 district which is approximately 643.2 acres in size and to the southwest is a SAG-5 district approximately 333.96 acres in size. The proposed SAG-10 zoning district would apply to one landowner and the new zoning district would be smaller in size than the surrounding AG-20, SAG-10 and SAG-5 districts, and therefore the proposal applies to a small area.

**iii. The Zoning Is Designed To Benefit Only One Or A Few Landowners At The Expense Of The Surrounding Landowners Or The General Public And, Thus, Is In The Nature Of Special Legislation.**

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-10 zone are similar to the permitted and conditional uses in the current AG-20 zone. Properties ¼ mile west and ¾ of a mile north are similarly zoned SAG-10 and properties approximately ¼ mile to the northeast and ¼ mile to the southeast are zoned SAG-5. The SAG-5 zone allows for similar uses to the proposed SAG-10 zoning.

Lots directly south of the subject property generally range in size from 4.7 acres to 158.2 acres and the majority are 5 to 8 acres. The properties directly south of the subject property are located within the Mont-Pac Estates Subdivision and are approximately 8.0 acres, which is smaller than the lot size that would be permitted in the proposed SAG-10 zoning. The properties to the east of the subject property range in size from 2.9 to 60.4 acres, with most over 20 acres. To the west there are lots approximately 2.9 acres to 72.0 acres in size, most are between 19 and 30 acres. The properties to the north range in size from 1.1 acres up to 38.4 acres. Northeast of the subject property are lots within the SAG-5 classification that are less than 5 acres in size.



The proposed SAG-10 allows for uses similar to what is currently allowed in the AG-20 zoning. The only permitted use in AG-20 not allowed in SAG-10 is 'Fish hatchery,' as a 'Kennel' is permitted in AG-20 but requires a Conditional Use Permit (CUP) in SAG-10. AG-20 allows for an 'Animal farm,' 'Communication tower/mast,' 'Feed and Seed processing and cleaning,' 'Feed lot: cattle, swine, poultry,' and 'Radio and television broadcast studio' with the issuance of a CUP but those uses are not permitted or conditionally permitted in SAG-10. The SAG-10 zone allows for 'Aircraft hangers,' 'Community residential facility,' 'Golf course,' 'Golf driving range,' and 'Manufactured home park' with the issuance of a CUP but those uses are not allowed in the current AG-20 zone. However, the uses not allowed in the AG-20, but listed as a conditional use in the SAG-10, would be allowed with a CUP in both the SAG-10 and SAG-5 zoning located a ¼ mile from the subject property. The zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and the agricultural and suburban agricultural zoning of the surrounding area.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

**Finding #1:** The proposed zoning map amendment from AG-20 to SAG-10 does not appear to constitute spot zoning because the proposed zone change would allow for similar uses permitted throughout the existing AG-20, SAG-10 and SAG-5 zoning, many properties in the vicinity are similarly sized and the character of the overall zoning district is rural.

#### **F. Public Services and Facilities**

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Whitefish School District Whitefish High School District
Fire:	Whitefish Rural Fire District
Police:	Flathead County Sheriff's Office

#### **G. Criteria Used for Evaluation of Proposed Amendment**

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

#### **H. Compliance With Public Notice Requirements**

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 21, 2014. Legal notice of the Planning Board public hearing on this application was published in the January 26, 2014 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed change, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

## **I. Agency Referrals**

Referrals were sent to the following agencies on December 9, 2013:

- Bonneville Power Administration
  - Reason: BPA has requested that anytime agency referrals are sent they receive a copy.
- City of Whitefish Planning Department
  - Reason: The subject property is located just outside of the City of Whitefish's planning jurisdiction.
- Montana Fish, Wildlife, and Parks
  - Reason: Increased development as a result of the zoning map amendment may impact wildlife in the area.
- Flathead City-County Health Department; Environmental Health Services
  - Reason: Increased development as a result of the zoning map amendment may necessitate review by the Department.
- Flathead County Public Works/Flathead County Road Department
  - Reason: The zone change request has the potential to impact County infrastructure.
- Flathead County Sheriff
  - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing services.
- Flathead County Solid Waste
  - Reason: The type and amount of solid waste resulting from uses permitted within the proposed zoning map amendment area could have an impact on existing public services.
- Flathead County Weeds and Parks Department
  - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Whitefish School District
  - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing school services.
- Montana DNRC
  - Reason: Increased development as a result of the zoning map amendment may impact natural resources in the area.
- Whitefish Rural Fire District



- Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for February 12, 2014 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
  - Comment: "BPA does not have any objections to the approval of this request at this time." Letter dated 12/17/13.
- Flathead City-County Health Department
  - Comment: "The proposed development may require further sanitation review depending on the proposed property use. The property owners are requesting a zone change in order to split the property. Further subdivision of the property would require Subdivision Review through the Sanitation in Subdivisions Act and compliance with Montana Department of Environmental Quality subdivision rules and regulations." Letter dated 12/27/13.
- Flathead County Solid Waste District
  - Comment: "The District views no negative impact with solid waste at this time. The District requires that all solid waste generated at the proposed location be hauled by a private licensed hauler. North Valley Refuse is the licensed (PSC) Public Service Commission licensed hauler in this area." Letter dated 12/12/13
- Flathead County Road & Bridge Department
  - Comment: "At this point the County Road Department does not have any comments on this request." Letter dated 12/11/13.
- Montana Department of Natural Resources and Conservation.
  - Agency comments indicate no outstanding concern.

### **IV. EVALUATION OF PROPOSED AMENDMENT**

#### **A. Build Out Analysis**

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed "by-right." A build-out analysis is performed to examine the maximum potential impacts of full build-out of those "by-right" uses. It is typically done looking at maximum densities, permitted uses, and demands on

public services and facilities. Build-out analyses are objective and are not “best-case” or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

**i. Current Zoning**

The proposed zoning map amendment would change the zoning designation on the subject property from ‘AG-20 Agricultural.’ AG-20 is defined in Section 3.06 FCZR as, ‘*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*’ The following is a list of permitted uses in an ‘AG-20 Agricultural’ zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Guest house.
9. Fish hatchery.
10. Home occupation.
11. Homeowners park and beaches.
12. Kennel.
13. Nursery, landscaping materials.
14. Park.
15. Produce stand.
16. Public transportation shelter station.
17. Public utility service installation.
18. Ranch employee housing.
19. Stable, riding academy, rodeo arena.

The following uses are listed as conditional uses in an ‘AG-20 Agricultural’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airfield.
2. Animal Farm
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center.
6. Caretaker’s facility.\*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.

10. Community center building operated by a non-profit agency.
11. Contractor's storage yard.\*
12. Dwelling, family hardship.\*
13. Electrical distribution station.
14. Extractive industry.
15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry.
17. Radio and television broadcast studio.
18. Recreational facility, low-impact.
19. School, primary and secondary.
20. Temporary building or structure.\*
21. Water and sewage treatment plant.
22. Water storage facility.

The bulk and dimensional requirements in the AG-20 zoning requires a setback for the principal structure from boundary lines of 20 feet from the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. Additionally there are provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The maximum allowable building height is 35 feet for all structures and the permitted lot coverage is 20%. The subject property totals 39.8 acres and a minimum lot area of 20 acres is allowed under the current AG-20 zoning. The property could not be subdivided further under the current zoning.

## **ii. Proposed Zoning**

As previously stated, the applicant is proposing 'SAG-10 Suburban Agricultural' zoning. SAG-10 is defined in Section 3.07.010 FCZR as, *"A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development."*

The following is a list of permitted uses in an SAG-10 zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Guest house.
9. Home occupation.
10. Homeowners park and beaches.
11. Nursery, landscaping materials.



12. Park and publicly owned recreational facility.
13. Produce stand.
14. Public transportation shelter station.
15. Public utility service installation.
16. Ranch employee housing.
17. Stable, riding academy, rodeo arena.

The following uses are listed as conditional uses in an 'SAG-10' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.\*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center.
6. Caretaker's facility.\*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.\*\*
11. Contractor's storage yard.\*
12. Dwelling, family hardship.\*
13. Electrical distribution station.
14. Extractive industry.
15. Golf course.
16. Golf driving range.
17. Kennel, commercial.\*
18. Manufactured home park.
19. Recreational facility, low-impact.
20. School, primary and secondary.
21. Temporary building or structure.\*
22. Water and sewage treatment plant.
23. Water storage facility.

The bulk and dimensional standards under SAG-10 zoning requires a setback from the boundary line of 20 feet for the front, rear, side and side-corner for the principal structure. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The subject property totals 39.8 acres and the proposed SAG-10 zoning requires a minimum lot area of 10 acres. Under the proposed SAG-10 zoning 3 lots could be created, 2 more than what would be permitted in the current AG-20 classification.

In summary, the requested zone change from AG-20 to SAG-10 has the potential to increase density, by allowing two additional lots through subsequent divisions in the future. The bulk and dimensional requirements are the same from AG-20 to SAG-10 and the zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing AG- 20 and neighboring agricultural and suburban agricultural zoning.

**B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

**i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). Additionally the property is located within the Whitefish City-County Master Plan 2020, adopted on February 6, 1996 by the Flathead County Commissioners (Resolution #677-G) and the City of Whitefish on February 20, 1996 (Resolution #96-3).

**1. Flathead County Growth Policy**

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Agricultural.’ The proposed Suburban Agricultural zoning classification would appear to contrast with the current Agricultural designation. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, “This map depicts areas of Flathead County that are legally designated for particular use. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plan. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Therefore, staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on policies, rather than maps in the document.

Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with the Growth Policy:

- ❖ G.2 – Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.

- ❖ G.4 – Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.
  - The SAG-10 designation allows for agriculture and forestry and provides the land owner with more flexibility when it comes to a minimum lot area.
- ❖ G.8 – Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.
  - The SAG-10 designation would allow for densities of 1 dwelling units per 10 acres and would likely not require public services. There are neighboring properties less than 10 acres and uses permitted in SAG-10 are similar to uses allowed in the current and surrounding AG-20.
- ❖ G.31 – Growth that does not place unreasonable burden on the school district to provide quality education.
  - No comments were received from the Whitefish School District and it appears the proposal would not adversely impact area school districts because the population of the school district has decreased over the last ten years.
- ❖ G.32 – Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.
- ❖ G.33 – Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.
  - This report contains discussion on the adequacy of emergency service below.
- ❖ G.41 – Promote the preservation of critical fish and wildlife habitat and preserve the area’s unique outdoor amenities and quality of life.
  - The applicant states, “As with everything in the Flathead Valley, the property is mapped as Whitetail Winter Range by Fish, Wildlife and Parks, however the 10 acre lots should still provide habitat for Whitetail Deer.”
- ❖ G.46 – Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.
  - This report contains discussion on the Whitefish City-County Master Plan below.

**Finding #2:** The proposed zoning map amendment from AG-20 to SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the ‘Agriculture’ land use designation identified by the Designated Land Use



Map portrays only zoning which was established at the time the map was created and is not a future land use map.

## **2. Whitefish City-County Master Plan**

The Whitefish City-County Master Plan Map (Master Plan) identifies the subject property as ‘Limited Rural Residential.’ The proposed Suburban Agricultural zoning classification appears to contrast with the ‘Limited Rural Residential’ designation because Policy 8.12(c)(1) of the Master Plan defines ‘Limited Rural Residential’ as, “Residential Density of one dwelling unit per 20 or more acres.”

The Master Plan serves as a localized planning tool for the area surrounding the City of Whitefish. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of two major components, the text and the map. According to the introduction on page 3 of the Master Plan, “both the text and the map are equally important and must be equally weighed.”

- Policy 2.1 – Minimize development density on environmentally sensitive lands and critical wildlife habitat.
  - The applicant states, “The subject property is not located on sensitive land; there are no surface waters, wetlands, hydric soils, etc. on the property. As with everything in the Flathead Valley, the property is mapped as Whitetail Winter Range by Fish, Wildlife and Parks, however the 10 acre lots should still provide habitat for Whitetail Deer.”
- ❖ Goal 5A – Decent and safe living environments for low, medium and high density housing.
  - This proposed zone change would allow for additional low density housing, and roads and services are available to the subject property.
- ❖ Goal 5B – An adequate supply and mix of housing options in terms of cost, location, type and design, to meet the needs of present and future residents.
  - This proposed zoning would allow for additional housing and has the potential to add to the supply and mix of rural housing options in terms of cost, location, type and design, to meet the needs of present and future residents.
- ❖ Goal 5G – Residential development which does not excessively burden the local government and is adequately served by public facilities and services.
  - The proposed zone change will likely not burden the local government because the property would not be served by water and wastewater but can be serviced by onsite sewer and water on 10 plus acre lots.

- Policy 5.3 – All residential areas shall be served by suitable public roads and the basic emergency services such as fire, police and ambulance.
  - The subject property is located on a paved local County road, and is serviced by the Whitefish Rural Fire Department, the Flathead County Sheriff's Office and is located approximately 3.6 miles from the North Valley Hospital, and roads and services are available to the subject property.
- Policy 5.9 – Conserve open space within the City as well as in rural areas.
  - The SAG-10 designation allows for large lots and it is likely that a majority of the lot will remain open space at full build-out.
- ❖ Goal 8B – Conserve agricultural lands by allowing their limited conversion only if those are not productive or are needed for proper urban expansion.
  - The applicant states, “The proposed zone change is located on lands that do not and have never produced a crop. The applicant used to be surrounded by corporate timber lands but those lands were sold 20 years ago and have become subdivisions of White Fish Hills, Whitefish Hills Forest and Whitefish Hills Village. The Proposed SAG-10 designation is in character with the surrounding land uses and zoning designations.” Even though the property is designated as ‘Limited Rural Residential’ which is listed in the Master Plan as agriculture the property has not historically been used as agriculture and therefore could not be considered productive agricultural lands.
- Policy 8.1 – Important, productive farm lands which are not in the urban growth area of a City, which are not presently served by community sewer or water systems, and which are not already excessively impacted by existing or impending (approved) development shall be preserved as a highest priority.
  - The property is not serviced by community sewer or water systems but has not historically been used as agriculture and therefore could not be considered productive farm lands.
- Policy 8.3 – Growth shall be directed to already established urban areas which are not environmentally sensitive or productive agricultural lands.
  - The subject property is not currently or has it historically been utilized for farm land or designated as important farm lands or sensitive area by the Master Plan map. Although the subject property is rural the zoning map amendment would allow for 10 acre lots in an area not environmentally sensitive or productive agricultural land.

- Policy 8.4 – Extending municipal services and roads into agricultural lands which would result in the premature development of such areas shall be avoided.
  - The applicant states, “Stelle Lane and Big Ravine Drive have been reconstructed and paved to County Standards by the developer of Whitefish Hills. This road system provides excellent access to the subject property.” No other municipal services are to be extended to the property.
- Policy 8.8 – Avoid the use of large-lot, zoning techniques in important, productive farmland areas that have the result of creating lots too small to conventionally farm yet too large to domestically maintain. Avoid creation of tracts of two to ten acres.
  - The subject property is not currently farm land, has not historically been used as farm land and is not classified as important farm lands by the Master Plan map.
- Policy 8.12(c)(3) – This designation is intended to provide lands for limited development which avoids inefficient and inadequate provision of public services and infrastructure and densities incompatible with the surrounding area.
  - The applicant states, “The infrastructure for suburban development is in place with good road access, proximity to schools and services in Whitefish and located in the Whitefish Service Area.” The proposed SAG-10 zoning would likely avoid inefficient and inadequate provision of public services and infrastructure (as discussed in Section IV.B.ii.3 below).
- Policy 8.12(c)(4) – Avoid extension of sewer and water utilities into these areas, in order to prevent premature development.
  - According to the application, “The applicant is not proposing to extend sewer and water facilities into this area but will use on-site sewer and water systems.” The proposed SAG-10 zoning would likely not require the extension of sewer and water utilities.

According to the applicant, “Of note, the Whitefish City County Master Plan was adopted by the City of Whitefish and Flathead County back in 1996 and has not been updated since. [...]. Since the adoption of the 1996 Master Plan, Whitefish Hills Village was developed with three phases, Whitefish Hills Forest was approved for SAG-10 zoning and a preliminary plat approval for 49 lots and Whitefish Hills Village has been approved for SAG-5 zoning, a PUD, and a preliminary plat of 88 lots.”

The proposed zoning map amendment does not appear to comply with the Master Plan map however the proposed zoning map amendment is generally supported by the text of the Master Plan.

**Finding #3:** The proposed zoning map amendment from AG-20 to SAG-10 does not appear to comply with the Whitefish City-County Master Plan Map



Year 2020 because the proposed zoning classification is not compatible with the future land use map designation of ‘Limited Rural Residential.’

**Finding #4:** The proposed zoning map amendment appears to comply with the overall text of Master Plan because the property is not located in an area designated as important farm lands, has not been historically used as farm land, is not considered productive agricultural lands, and development would not require the extension of public services.

ii. **Whether the proposed map amendment is designed to:**

1. **Secure safety from fire and other dangers;**

The subject property is located within the Whitefish Rural Fire District and the nearest fire and emergency response center is located approximately 3.6 miles southeast of the property at the intersection Whitefish Stage and Hodgson Road. The Whitefish Rural Fire Department would respond in the event of a fire or medical emergency. The Whitefish Rural Fire Department did not provide comments on this proposal.

The subject property is located in the Wildland Urban Interface (WUI) and designated as County Wide Priority Area. According to the Flathead County Growth Policy, “The WUI is commonly described as the zone where structures and other human development meet and intermingle with undeveloped forests. This WUI zone is comprised of private and public lands and can pose risks to life, property, and infrastructure in associated communities if not mitigated.” The property is heavily forested but the area around the existing house is cleared. Comment provided by DNRC state, “It is clear the owner/developer has worked on thinning vegetation and has removed considerable material from the perimeter of the property along Big Ravine Drive and Studebaker Lane. We suggest continuing with current fuels reduction, as well as maintaining and improving prior fuels reduction projects, according to Firewise standards.” Additionally the applicant states, “The subject property is within the Whitefish Fire Service Area. Whitefish Hills has a tanker recharge facility in Blanchard Lake approximately 1.25 miles north of the subject property.”

The property is located at the northwest intersection of Big Ravine Drive and Studebaker Lane. Big Ravine Drive and Studebaker Lane provide the primary access to the subject property. Studebaker Lane is a gravel two lane private road within a 30 foot easement. Big Ravine Drive is a paved two lane local county road within a 60 foot easement. Both roads appear adequate to provide ingress and egress for emergency services.

The subject property appears to be mapped as Zone X, areas determined to be inside the 0.2% annual chance floodplain on FEMA FIRM Panel 30029C1405G.

**Finding #5:** The proposed map amendment is not specifically designed to secure safety from fire because it would allow for 2 additional houses in the WUI, however, emergency services are available, the property has two access

points and other agency comments indicate defensible space can be used as mitigation, the combination of which lowers the risk to an acceptable level.

**Finding #6:** The proposed map amendment would secure safety from other dangers because the property is not in the 100 year floodplain.

**2. Promote public health, public safety, and general welfare;**

The subject property is located within the Whitefish Rural Fire District. The property is located about 3.6 miles northeast of the nearest fire and emergency response center, which is located at the intersection of Whitefish Stage and Hodgson Road. The Whitefish Rural Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property.

According to the applicant, "The uses permitted and conditionally permitted by the Flathead County Zoning Regulations for the AG-20 (existing) and SAG-10 (proposed) are almost identical with the exception that the AG-20 allows Fish Hatcheries, Kennels and Nurseries as permitted uses but not in the SAG-10. The AG-20 allows, with a Conditional Use Permit (CUP), Feed and SEED processing Plants and Feed Lots whereas the SAG-10 does not but the SAG-10 allows Golf Courses, Kennels and manufactured Homes Parks with a CUP." Staff generally agrees with this statement since emergency service providers can anticipate likely emergencies based on similar existing and proposed uses. The SAG-10 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring AG-20 designation, therefore the zone change is not anticipated to adversely impact public health, safety or general welfare.

**Finding #7:** The proposed zoning map amendment from 'AG-20 Agricultural' to 'SAG-10 Suburban Agricultural' would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already permitted and conditionally permitted in the current AG-20 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.

**3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

It is anticipated that actual future development would include subdivision review, at which time specific impacts to transportation, water and sewer services, would be considered and mitigated as determined to be appropriate. However, this zone change request is also an opportunity to assess if the property and public infrastructure could handle impacts associated with the proposed zone change.

Primary access to the property is currently via Big Ravine Drive and Studebaker Lane. Big Ravine Drive is a paved two lane local county road within a 60 foot easement. Studebaker Lane is a gravel two lane private road within a 30 foot easement. According to the applicant, "The property has

access to Big Ravine Drive which was designed and constructed to County Standards which heads south into Stelle Land and out to Highway 93. Big Ravine Drive is publically owned but maintained by the Whitefish Hills HOA per an agreement with the County.”

Studebaker Lane is a private road and no traffic counts are available. Staff calculated estimated average daily trips (ADT) using standard trip generation of 10 trips per single family dwelling. Given about 8 dwellings use Studebaker Lane for access, Studebaker Lane has approximately 80 ADT. The subject property could be divided into 3 lots. Based on projected land uses arising from the proposed zone change this proposal could potentially generate an additional 20 ADT on both Studebaker Lane and Big Ravine Drive.

Traffic counts are not available for Big Ravine Drive from the Flathead County Road and Bridge Department. However, comments received from the Flathead County Road and Bridge Department stated, “At this point the County Road Department does not have any comments on this request.” It is anticipated that because Big Ravine Drive is a paved two lane county road, the Road and Bridge Department has no comment, Studebaker Lane is a gravel two lane road and given the low estimated traffic generated by this proposal, both roads would be capable of handling the increased traffic.

The applicant has stated that the subject property will be serviced by individual sewer and water systems. The applicant will be required to work with Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. Comments received from the Flathead City-County Health Department state, “The proposed development may require further sanitation review depending on the proposed property use. The property owners are requesting a zone change in order to split the property. Further subdivision of the property would require Subdivision Review through the Sanitation in Subdivisions Act and compliance with Montana Department of Environmental Quality subdivision rules and regulations.”

The subject property is located within the Whitefish School District. Whitefish Elementary Schools have seen a decline of 11% in student enrollment over the last ten years and declined of 3% between 2012 and 2013. Whitefish High School has decreased 33% in student enrollment over the last ten years and declined 4% between 2012 and 2013. Additionally, Central School recently completed a major remodel and voters recently approved a bond to renovate the High School. No comments were received from the Whitefish School District. It is anticipated that the school would have capacity should any growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would change the current 20-acre minimum lot size to a smaller 10-acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that

time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

**Finding #8:** The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road Department had no comments regarding this proposal and the traffic generated from this proposal would be minimal.

**Finding #9:** The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review and the proposal may generate school children which the school districts would be able to accommodate and there are numerous parks, natural areas, and recreational opportunities in the vicinity.

**iii. In evaluating the proposed map amendment, consideration shall be given to:**

**1. The reasonable provision of adequate light and air;**

The subject property currently contains a house and various accessory buildings. The proposed zoning map amendment has the potential to increase development density on the subject property.

Any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-10 zoning classification. All buildings are restricted to a maximum building height of 35 feet within the proposed SAG-10 zone. Permitted lot coverage is 20% and the minimum lot area is 10 acres. The bulk and dimensional standards within SAG-10 require a minimum yard requirement of 20 feet from the front, rear, side and side-corner for principal structures and a minimum yard requirement for accessory structures are 20 feet from the front and side-corner, and 5 feet from the side and rear. A 20 foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries. An additional 20 foot setback is required collector and arterial roads and reduced setbacks are applicable to non-conforming lots. These bulk and dimensional requirements within the SAG-10 designation have been established to provide for a reasonable provision of light and air.

**Finding #10:** The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.

**2. The effect on motorized and non-motorized transportation systems;**

Primary access to the property is currently via Big Ravine Drive and Studebaker Lane. Big Ravine Drive is a paved two lane local county road within a 60 foot easement. Studebaker Lane is a gravel two lane private road within a 30 foot easement.

Studebaker Lane is a private road and no traffic counts are available. Staff calculated estimated ADT using a standard trip generation of 10 trips per single family dwelling. Given that about 8 dwellings use Studebaker Lane for access, Studebaker Lane would have approximately 80 ADT. The subject property could be divided into 3 lots. Based on projected land uses arising from the proposed zone change this proposal would likely generate an additional 20 ADT.

Traffic counts are not available for Big Ravine Drive from the Flathead County Road and Bridge Department. However, comments received from the Flathead County Road and Bridge Department stated, “At this point the County Road Department does not have any comments on this request.” It is anticipated that because Big Ravine Drive is a paved two lane county road, the Road and Bridge Department has no comment, Studebaker Lane is a gravel two lane road and given the low estimated traffic generated by this proposal, both roads would be capable of handling the increased traffic.

There is no existing bike/pedestrian facilities currently located along Big Ravine Drive and no future bike/pedestrian trail is identified on Big Ravine Drive in the Flathead County Trails Plan.

**Finding #11:** Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, and the change will not have an impact on the bicycle/pedestrian trails in the county.

**3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

The nearest municipality is the City of Whitefish, the city limits of which are located about 1.47 miles northeast of the property. However, located across the road from the subject property is the ‘interlocal agreement’ area between the City of Whitefish and Flathead County, which gives Whitefish planning jurisdiction over the properties. The Whitefish City-County Growth Policy Future Land Use Map, adopted by the City of Whitefish in 2007, does not include the subject property. Additionally, no comments were received from the City of Whitefish.

**Finding #12:** Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish’s urban growth and it has been determined that the map amendment is located beyond the extent of Whitefish’s urban growth, as shown on their Whitefish City-County Growth Policy Future Land Use Map, therefore there is no plan with which to be compatible and no comments were received from the City of Whitefish to indicate concern or interest.

**4. The character of the district(s) and its peculiar suitability for particular uses;**

The Blanchard Lake Zoning District is mostly a mix of agricultural and suburban agricultural zoning, with some business zoning along Highway 93. A portion of the property is currently used for single family residential and

much of the surrounding properties to the north, south, east and west have a similar use. The application states, “The subject property is a 40 acre tract that is largely forested.” Staff confirmed through aerial imagery and on the site visit the property and neighboring properties are heavily forested with single family homes. The proposed zoning would allow for uses that are currently allowed and existing in the vicinity of the subject property.

As discussed previously lots directly south of the subject property generally range in size from 4.7 acres to 158.2 acres, with the majority 5 to 8 acres in size. The properties directly to the east range in size from 2.9 to 60.4 acres, with most of the lots over 20 acres in size. To the west of the property the lots are approximately 2.9 acres to 72.0 acres in size and most are between 19 and 30 acres in size. The properties to the north range in size from 1.1 acres up to 38.4 acres. And northeast of the subject property are lots less than 5.0 acres in size. Additionally the properties directly to the south of the subject property are located within the Mont-Pac Estates Subdivision and are approximately 8.0 acres, which are smaller than the lot size permitted in the proposed SAG-10 zoning.

**Finding #13:** The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the SAG-10 zoning are similar to what is allowed and existing in the current AG-20 zoning and neighboring AG-10 and SAG-5 zoning and the minimum lot size allowed in SAG-10 is similar to existing lots in the area.

**5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The adjacent properties are all heavily forested, developed with single family residence and accessory structures. According to the applicant, “The permitted and conditionally permitted used of the proposed Zoning designation of SAG-10 are almost identical to that of the existing AG-20 zoning classification. The primary difference between the two zoning designations is the density where the proposed zoning designation has a minimum lot size of 10 acres per lot and the existing zoning designation has a minimum lot size of 20 acres per lot.” The uses allowed within the SAG-10 zone are similar to what is permitted and what currently exists in the surrounding AG-20 and nearby SAG-10 and SAG-5 designations. Furthermore, as discussed earlier the property is not prime agricultural land or environmentally sensitive land so 10 acre lots served by two roads seem appropriate. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

**Finding #14:** This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-20 and nearby SAG-10 and SAG-5 designations, the property is not prime agricultural land or environmentally sensitive land so 10 acre lots



served by two roads seem appropriate and the minimum lot sizes in the proposed SAG-10 are similar to lot sizes of existing lots in the area.

**iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

The location of the proposed zoning map amendment is not directly adjacent to any city. However the nearest municipality is the City of Whitefish, the city limits are located about 1.47 miles northeast of the property and across the road from the subject property is the ‘interlocal agreement’ area between the City of Whitefish and Flathead County. No comments were received from the City of Whitefish.

The nearest properties located within the ‘interlocal agreement’ are zoned ‘AG-20 – Agricultural’ and ‘SAG-5 – Suburban Agricultural’ by the City of Whitefish. According to the Whitefish Zoning Regulations, “Due to the existence of prior zoned areas within, but not part of the zoning jurisdictional area of the city of Whitefish and for ease of identification, all use districts on the official zoning map that are a part of these regulations shall be preceded by a "W" as indicated above. Any zoning district shown on the official zoning map not preceded by a "W" is not and shall not be construed to be covered by these regulations, but are and shall be covered by the zoning regulations of the county of Flathead. (Ord. A-407, 3-15-1982)” The AG-20 and SAG-5 zoning are covered by the Flathead County Zoning Regulations. According to Section 3.06 FCZR the AG-20 district is defined as, ‘*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*’ According to 3.08 FCZR the SAG-5 district is defined as, ‘*A district to preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*’ The minimum lot size in AG-20 is 20 acres and 5 acres in SAG-5. The list of uses within both zoning classifications is similar to the proposed SAG-10 and the minimum lot size within the proposed SAG-10 is compatible because it is between the minimum lot sizes of AG-20 and SAG-5.

**Finding #15:** The proposed map amendment appears to be compatible with the zoning regulations of the City of Whitefish because the closest Whitefish zones are AG-20 and SAG-5 designations, with permitted and conditionally permitted uses that are similar to the proposed SAG-10 zoning and the minimum lot size is between the minimum lot sizes of the AG-20 and SAG-5 zones.

**V. SUMMARY OF FINDINGS**

- 1) The proposed zoning map amendment from AG-20 to SAG-10 does not appear to constitute spot zoning because the proposed zone change would allow for similar uses permitted throughout the existing AG-20 SAG-10 and SAG-5 zoning, many properties in the vicinity are similarly sized and the character of the overall zoning district is rural.

- 2) The proposed zoning map amendment from AG-20 to SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the 'Agriculture' land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
- 3) The proposed zoning map amendment from AG-20 to SAG-10 does not appear to comply with the Whitefish City-County Master Plan Map Year 2020 because the proposed zoning classification is not compatible with the future land use map designation of 'Limited Rural Residential.'
- 4) The proposed zoning map amendment appears to comply with the overall text of Master Plan because the property is not located in an area designated as important farm lands, has not been historically used as farm land, is not considered productive agricultural lands, and development would not require the extension of public services.
- 5) The proposed map amendment is not specifically designed to secure safety from fire because it would allow for 2 additional houses in the WUI, however, emergency services are available, the property has two access points and other agency comments indicate defensible space can be used as mitigation, the combination of which lowers the risk to an acceptable level.
- 6) The proposed map amendment would secure safety from other dangers because the property is not in the 100 year floodplain.
- 7) The proposed zoning map amendment from 'AG-20 Agricultural' to 'SAG-10 Suburban Agricultural' would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already permitted and conditionally permitted in the current AG-20 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.
- 8) The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road Department had no comments regarding this proposal and the traffic generated from this proposal would be minimal.
- 9) The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review and the proposal may generate school children which the school districts would be able to accommodate and there are numerous parks, natural areas, and recreational opportunities in the vicinity.
- 10) The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.
- 11) Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, and the change will not have an impact on the bicycle/pedestrian trails in the county.

- 12) Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish's urban growth and it has been determined that the map amendment is located beyond the extent of Whitefish's urban growth, as shown on their Whitefish City-County Growth Policy Future Land Use Map, therefore there is no plan with which to be compatible and no comments were received from the City of Whitefish to indicate concern or interest.
- 13) The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the SAG-10 zoning are similar to what is allowed and existing in the current AG-20 zoning and neighboring AG-10 and SAG-5 zoning and the minimum lot size allowed in SAG-10 is similar to existing lots in the area.
- 14) This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-20 and nearby SAG-10 and SAG-5 designations, the property is not prime agricultural land or environmentally sensitive land so 10 acre lots served by two roads seem appropriate and the minimum lot sizes in the proposed SAG-10 are similar to lot sizes of existing lots in the area.
- 15) The proposed map amendment appears to be compatible with the zoning regulations of the City of Whitefish because the closest Whitefish zones are AG-20 and SAG-5 designations, with permitted and conditionally permitted uses that are similar to the proposed SAG-10 zoning and the minimum lot size is between the minimum lot sizes of the AG-20 and SAG-5 zones.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM